THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.15299 of 2003

Dated: 27.11.2007

Between

Shaik Saheb Basha

…Petitioner

And

State Transport Appellate Tribunal,
A.P., Hyderabad,
Rep. by its Presiding Officer and two others.

…Respondents

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.15299 of 2003

ORDER:

This writ petition is filed by the petitioner challenging the order, dated 03.03.2003, passed by the Andhra Pradesh State Transport Appellate Tribunal, in R.P.No.66 of 2002, rejecting the application of the petitioner for grant of Pucca Regular Variation in respect of the existing town service route Kadapa old Bus Stand to Penchala Narasimhaswamy Temple as Kadapa Bus Stand to Nekhanapur via Penchala Narasimhaswamy Temple.

The petitioner was an existing permit holder to operate stage carriage on the route from Kadapa old bus stand to Penchala Narasimhaswamy Temple. Subsequently, he made an application for variation of the route by way of extension from Penchala Narasimhaswamy Temple to Nekhanapuram to make the route to ply his stage carriage from Kadapa old bus stand to Nekhanapuram. The said application was rejected by the Regional Transport Authority, Kadapa on the ground that the proposed variation of the route is not formulated by the Government under Section 68 (3)(ca) of the Motor Vehicles Act,1988. Being aggrieved by the same, the petitioner preferred revision petition before the Andhra Pradesh State Transport Appellate Tribunal. The appellate Tribunal passed the impugned order holding that since there was no route formulated by the Government, the request of the petitioner was rightly rejected by the Regional Transport Authority and there are no grounds to interfere with the same.

It is an undisputed fact that the State Government has not formulated any route for stage carriage permits from Penchala Narasimhaswamy Temple to Nekhnapuram. The petitioner was operating his stage carriage from Kadapa old bus stand to Penchala

Narasimhaswamy Temple, which was the route formulated by the State Government. But, he sought for alteration of the permit to ply his stage carriage from Penchala Narasimhaswamy Temple to Nekhnapuram, so that he can operate the stage carriage from Kadapa old bus stand to Nekhnapuram. It is also an undisputed fact that no scheme was formulated by the State Government for issuing stage carriage permits. The concerned authorities are only authorized to issue permits in respect of the route formulated by the State Government. Therefore, the Regional Transport Authority as well the Andhra Pradesh State Transport Appellate Tribunal rightly came to the conclusion that the petitioner is not entitled to alteration of the route to ply his stage carriage in the route, which was formulated by the State Government as required under Section 68(3)(ca) of the Motor Vehicles Act, 1988. Therefore, I do not find any ground to interfere with the impugned order.

The writ petition is accordingly dismissed. No costs.

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Dr. G. Yethirajulu, J

Date: 27.11.2007
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